

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERTA KELLY and D. LAWRENCE
OLSTAD,

Plaintiffs,

v.

U.S. BANK; BISHOP, WHITE &
MARSHALL, P.S., a Washington
Professional Services Company; and
KRISTA WHITE,

Defendants.

No. CV 08-1421-AC

OPINION AND ORDER

MOSMAN, J.,

On July 30, 2010, Magistrate Judge Acosta issued Findings and Recommendation ("F&R") (#218) in the above-captioned case recommending that: U.S. Bank's Motion to Strike (#129) should be granted in part and denied in part; U.S. Bank's Motion for Summary Judgment (#51) should be granted; and U.S. Bank's Motion for Summary Judgment Foreclosure Claim (#94) should be granted. Roberta Kelly filed objections to the F&R (#220), and U.S. Bank filed a response to those objections (#236).

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge,

but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation, and I ADOPT the F&R (#218) as my own opinion.

IT IS SO ORDERED.

DATED this 14th day of October, 2010.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court